

### REMARKS

Claims 2 and 5-14 were pending prior to this Response, with claims 9, 10, 13 and 14 having been withdrawn from further consideration. By the present communication, no claims have been added or canceled and claim 2 has been amended to define Applicants' invention with greater particularity. Applicant respectfully requests entry of the amendments set forth in this response under 37 CFR §1.116. The amendments do not raise any issues of new matter and the amended claims do not present new issues requiring further consideration or search. Accordingly, claims 2, 5-8, 11 and 12 are currently being examined in this application.

#### **Rejections under 35 U.S.C. § 112, second paragraph**

Applicants respectfully traverse the rejection of claims 2, 5-8, 11 and 12 under 35 U.S.C. §112, second paragraph as allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner alleges that it is unclear what "normal cells" is intended by Applicant. Applicants submit that one of skill in the art would understand that "normal cells," in the context of comparison to cells expressing abnormal levels of GDF-5 refers to like cells expressing normal levels of GDF-5 (i.e., "normal cells"). However, in order to further prosecution and reduce the issues, Applicants have amended claim 2 to replace the phrase "normal cells" with "a matched normal tissue sample." Support for the amended claim language may be found at page 15, lines 14-16, which discloses: "The level of GDF-5 in the suspect cell can be compared with the level in a normal cell to determine whether the subject has a GDF-5-associated cell proliferative disorder."

In view of the amendments and for the reasons set forth above, it is submitted that the skilled person would know the metes and bounds of the claimed subject matter. Accordingly, removal of the rejection of claims 2, 5-8, 11 and 12 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

In re Application of:  
Lee and Huynh  
Application No. 09/880,708  
Filed: June 12, 2001  
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**Conclusion**

In view of the amendments and the above remarks, it is submitted that the claims are in condition for allowance, and a notice to that effect respectfully is requested. The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

The Commissioner is hereby authorized to charge any required fee associated with the filing submitted herewith, or credit any overpayments, to Deposit Account No. 07-1896 referencing the above-identified docket number.

Respectfully submitted,

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